

4-28-92 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., April 28, 1992.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilman Payton M. Otey; Councilman Ronnie C. Rice; and Councilman James A. Vest.

Members absent: Vice Mayor John M. Owen, III.

Staff present: Assistant to the City Manager Barry Thompson; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Staff absent: City Manager Jack A. Gross.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on April 14, 1992, were approved as mailed.

Mr. Thompson reported that the Bedford Poplar Park Committee had received a Certificate of Recognition in appreciation for their outstanding contributions to America's natural and cultural resources.

Members of Council made brief comments on various community activities.

On motion by Councilwoman Grahame, seconded by Councilman Rice, voted upon and carried, the following item was added to the agenda:

Resolution - Support of Allen W. Harvey as Salem District Representative to the Commonwealth Transportation Board

Mayor Shelton asked Council to complete the forms for the annual evaluation of the City Manager and City Attorney, and return the forms to the City Manager's secretary or Councilwoman Grahame by May 7.

Mr. David N. Smeltz, President, HIS Plumbing & Electrical, Inc., HIS Mobile Home Supply, Inc., HIS Appliance Center, Inc., made a presentation to Council expressing his concerns regarding the sign ordinance, the inspection department, and the City's bidding process.

Mayor Shelton stated that these matters will be discussed with the City Manager and the City staff.

The Clerk of Council read aloud a proposed resolution. The resolution follows as amended and adopted by Council.

RESOLUTION IN SUPPORT OF ALLEN W. HARVEY AS SALEM DISTRICT

REPRESENTATIVE TO THE COMMONWEALTH TRANSPORTATION BOARD

WHEREAS, Mr. Stephen A. Musselwhite is currently serving as the Salem District representative on the Commonwealth Transportation Board and has served the District and the City of Bedford admirably during his tenure on the Board; and

WHEREAS, Mr. Musselwhite is presently seeking election to the United States House of Representatives from the Sixth Congressional District of Virginia; and

WHEREAS, the City Council of the City of Bedford proposes that Allen W. Harvey, Ivy Hills Farm, Forest, Virginia, be considered as the replacement for Mr. Musselwhite should he resign as a result of his campaign and/or his subsequent election to that position.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bedford hereby clearly expresses its enthusiastic endorsement for Mr. Harvey as an informed and committed citizen who would be an asset to the Commonwealth Transportation Board; and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor of the Commonwealth, the Honorable Elliot S. Schewel and the Honorable Lacey E. Putney, Hubert A. Roberts, Chairman of the Bedford County Democratic Party, and Carol W. Black, Chairman of the Bedford City Democratic Party to urge their prompt and enthusiastic support be added to that of the City Council of the City of Bedford as an endorsement of Mr. Allen W. Harvey for this most important position.

Mayor Shelton asked that in the motion to adopt the resolution the following be included: that the actual transmission or dissemination of the resolution be held until after the Sixth Congressional District's nomination process is concluded on May 9th.

Councilman Brookshier moved that the resolution be adopted as read with the stipulations as described by the Mayor. The motion was seconded by Councilman Rice.

Councilman Vest asked that the resolution be amended by including in the resolution Mr. Harvey's full name and address.

Mayor Shelton stated that will be included in the final resolution.

The motion was then voted upon and carried by the following roll call vote:

Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	absent
Councilman Rice	aye
Councilman Vest	aye
Mayor Shelton	aye

Mr. Thompson stated that Council has received copies of the Audit Report for the Fiscal Year ended June 30, 1991, which was prepared by Firebaugh & Berry, Inc. Mr. Thompson indicated that this audit report has been accepted by the Commonwealth of Virginia Auditor of Public Accounts.

Councilman Vest moved that Council accept the Audit Report for the fiscal year ended June 30, 1991. The motion was seconded by Councilwoman Grahame, voted upon and carried.

Mr. Thompson stated that in 1988 Council adopted an ordinance providing for the sale of certain lots located adjacent to the Town & Country Subdivision and the City's industrial property located on Industrial Avenue. When portions of the City's industrial site were rezoned, Council requested that the City create a buffer zone between the residential lots and the manufacturing district. In order to do so, a strip of property, approximately 100 feet wide and 612 feet long, was established for this purpose. The strip was subdivided along the contiguous boundaries of the adjacent property, and the conveyance of those parcels to the property owners was completed in 1990 and 1991.

Mr. Thompson indicated that the portion adjacent to the lot owned by Joseph C. and Linda H. Curcio was part of the original concept but was not included in the original transaction pending the outcome of the sale of the industrial property to MOOG USA. Now that that transaction has been concluded, it is appropriate for Council to consider the sale of this final section of the buffer zone to Mr. and Mrs. Curcio.

The Clerk of Council read aloud the following proposed ordinance:

AN ORDINANCE AUTHORIZING SALE AND CONVEYANCE  
OF A LOT OWNED BY THE CITY TO CREATE A BUFFER  
BETWEEN TOWN AND COUNTRY SUBDIVISION AND THE  
INDUSTRIAL AVENUE MANUFACTURING AREA

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

1. It is determined to be in the best interest of the City of Bedford to sell a lot containing 0.205 acres, located at the western end of an extension of Industrial Avenue as shown on a plat prepared by the City of Bedford Engineering Department dated October 7, 1991, to Joseph Charles Curcio and Linda Houchens Curcio for a price of \$94.91.

2. The Mayor and the City Clerk are hereby authorized to execute and deliver a deed in proper form, as approved by the City Attorney, conveying the land.

3. This ordinance shall take effect immediately.

Councilwoman Grahame moved that the ordinance be adopted as read. The motion was seconded by Councilman Otey, voted upon and carried by a roll call vote as follows:

Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	absent
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Mayor Shelton	aye

Mr. Thompson stated that Council has received an ordinance prepared by the City Attorney in connection with the Community Development Block Grant Program authorizing the conveyance of a lot in the Lazenby & Wright Subdivision to Yvonne E. Patterson and Ava D. Patterson. Mr. Thompson reported that a number of years ago, the City anticipated using this 100 x 200 foot parcel located at the corner of Belle View Street and Oliver Street as a substation site. A subsequent study by Ray Cohn of Southeastern Engineering determined that it would be more cost-effective to change to a higher line transmission voltage. Therefore the site was never utilized and, in the opinion of the Electric Director, this site will not be required in the future.

Mr. Thompson indicated that under the Community Development Block Grant, the City was obligated to provide certain relocation assistance in the form of in-kind contributions. It was recommended that the City use the transference of this property to meet the obligation.

The Clerk of Council read aloud the following proposed ordinance:

AN ORDINANCE IN CONNECTION WITH THE COMMUNITY  
BLOCK GRANT PROGRAM AUTHORIZING CONVEYANCE OF  
A LOT IN THE LAZENBY & WRIGHT SUBDIVISION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

1. It is determined to be in the best interests of the City of Bedford to convey to Yvonne E. Patterson and Ava D. Patterson that certain lot or parcel of land located in the City of Bedford, Virginia, on the east side of Belle View Street designated as Lot No. 1, Section II, on the plat of survey entitled, "Lazenby & Wright Subdivision..." prepared by John G. Cargill, Jr., dated April 6, 1972, a copy of which is recorded in the Clerk's Office of the Circuit Court of Bedford County, Virginia, in Plat Book No. 14, at page 74.

2. The home of Yvonne E. Patterson and Ava D. Patterson located off Plunkett Street has been obtained by the City, and the conveyance of the lot in the Lazenby & Wright Subdivision having an assessed value of \$5,000.00 on 1991/92 City Land Book will provide relocation assistance to the family and will constitute an in kind contribution by the City to meet its contractual obligations under the State of Virginia Community Block Grant in connection with the Plunkett Street-Greenwood Park Revitalization Project.

3. The Mayor and the City Clerk are hereby authorized to execute and deliver a deed in proper form, as approved by the City Attorney, conveying the land.

4. This ordinance shall take effect immediately.

Councilman Vest moved that Council authorize the Mayor and the City Clerk to execute and deliver a deed in proper form, as approved by the City Attorney, conveying the land. The motion was seconded by Councilman Otey.

Councilman Rice asked that items such as these be brought before the Property Committee before being considered by Council.

Mr. Thompson stated that any future items will be brought to the Property Committee.

The motion was then voted upon and carried by the following roll call vote:

Councilman Otey	aye
Vice Mayor Owen	absent
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Mayor Shelton	aye

Mr. Thompson stated that under Section 11-41(E) of the Code of Virginia and Section 4-105 of the Procurement Ordinance of the City of Bedford, whenever a written determination for the basis of an emergency develops which threatens the termination of essential services, or whenever any unforeseen circumstances arise causing the curtailment or termination of essential services, a jurisdiction is authorized to undertake emergency purchase procedures.

Mr. Thompson stated that during the Council meeting held on April 14, Mr. William W. King, PE, of Thompson & Litton, Inc., made a presentation to Council concerning repairs to the Stoney Creek reservoir. Mr. King also presented the findings of a report entitled "Geotechnical Engineering Study of the Stoney Creek Reservoir, Route 640, Bedford County, Virginia" dated April 3, 1992, in which he recommended the City undertake immediate corrective measures at the reservoir. Mr. Thompson stated that a contract with Thompson & Litton has been negotiated to provide for preparation of technical specifications, field supervision, quality control, and final inspection and testing services for the recommended grouting program

at an estimated not to exceed cost of \$17,500. Thompson & Litton will employ qualified contractors to implement the grouting program at an estimated cost of \$42,500.

Councilman Vest moved that Council authorize the City Manager to sign the necessary Memorandum of Understanding and contract documents to complete the emergency work at the Stoney Creek Reservoir at a cost not to exceed \$60,000. The motion was seconded by Councilwoman Grahame, and after a brief discussion was voted upon and carried by the following roll call vote:

Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	absent
Mayor Shelton	aye

On motion by Councilman Brookshier, seconded by Councilman Rice, voted upon and carried by a roll call vote, Council adjourned into executive session for consultation with staff and legal counsel concerning the annexation lawsuit, pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended. Roll call vote follows:

Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	absent
Councilman Rice	aye
Mayor Shelton	aye

Council adjourned into executive session at 8:25 p.m. Non-council members attending were: Assistant to the City Manager Thompson, City Attorney Berry, and Clerk of the Council Hatcher.

Council reconvened into open session at 8:50 p.m.

The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Councilman Brookshier moved that the resolution be approved as read. The motion was seconded by Councilman Rice, voted upon and carried by the following roll call vote:

Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	absent
Councilman Rice	aye
Councilman Vest	aye
Mayor Shelton	aye

Mayor Shelton stated that Council has consulted with legal counsel and is preparing a response to the Chairman of the Board of Supervisors regarding his letter dated April 20, 1992; and Council feels it is inappropriate to make any comment on the letter's contents until the Chairman of the Board has received the letter.

Mayor Shelton adjourned the meeting at 8:51 p.m. until May 7, 1992, at 6:00 p.m. in the Council Chamber for a joint public hearing with the City Planning Commission.